

FILED

DEC 17 2012

**Board of Vocational Nursing
and Psychiatric Technicians**

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8 **BEFORE THE**
9 **BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. VN 2010 158

12 **CANDICE ANDREA GIST**
632 Niles Street
13 San Bernardino, CA 92404

A C C U S A T I O N

14 Vocational Nurse License No. VN 227641

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in
20 her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric
21 Technicians, Department of Consumer Affairs (Board).

22 2. On or about May 22, 2007, the Board issued Vocational Nurse License No. VN
23 227641 to Candice Andrea Gist (Respondent). The Vocational Nurse License expired on
24 September 30, 2010, and has not been renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board under the authority of the following
27 laws. All section references are to the Business and Professions Code unless otherwise indicated.

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1 **COST RECOVERY**

2 10. Section 125.3 states, in pertinent part, that the Board may request the administrative
3 law judge to direct a licensee found to have committed a violation or violations of the licensing
4 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the
5 case.

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Conviction of Substantially-Related Crime)**

8 11. Respondent is subject to disciplinary action under sections 490, and 2878, subdivision
9 (f), in conjunction with California Code of Regulations, title 16, section 2521, in that Respondent
10 was convicted of a crime which is substantially related to the qualifications, functions, and duties
11 of a vocational nurse as follows:

12 12. On or about September 16, 2010, after pleading *nolo contendere*, Respondent was
13 convicted of one misdemeanor count of violating Penal Code section 475, subdivision (a)
14 [possession of counterfeit check: forgery], in the criminal proceeding entitled *The People of the*
15 *State of California v. Candice Andrea Gist* (Super. Ct. Los Angeles County, 2010, No.
16 0JB07677). The court placed Respondent on probation for a period of 3 years, and fined her.
17 The circumstances surrounding the conviction are that on or about July 09, 2010, a Glendora
18 Police Officer was dispatched to investigate a fraudulent check at Wal-Mart department store, in
19 the city of Glendora. The Respondent was identified through a surveillance camera as being one
20 of the suspects leaving the store attempting to cash a fraudulent check. Respondent was
21 contacted by the officer outside of Wal-Mart and in her possession they recovered a white
22 envelope containing a Signet Online check, payable to Respondent. Respondent admitted to
23 receiving a check from a friend that worked for Signet and she had agreed to cash the check and
24 split the cash amount with her friend. Respondent admitted to the officer that she did not work
25 for Signet. Respondent was subsequently arrested for possession of a fraudulent check in
26 violation of Penal Code section 475, subdivision (a).

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PRAYER

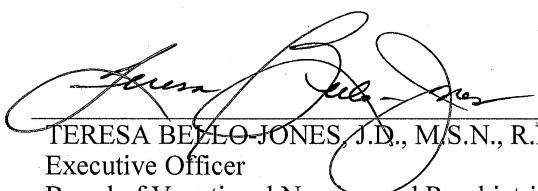
WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

1. Revoking or suspending Vocational Nurse License No. VN 227641, issued to Candice Andrea Gist;

2. Ordering Candice Andrea Gist to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

3. Taking such other and further action as deemed necessary and proper.

DATED: **DEC 17 2012**


TERESA BELLO-JONES, J.D., M.S.N., R.N.
Executive Officer
Board of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
State of California
Complainant

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